

PERIODICALLY LISTING UPDATES TO MANAGEMENT ACT

NOVEMBER 1, 2021.—Ordered to be printed

Mrs. CAROLYN B. MALONEY of New York, from the Committee on
Oversight and Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2043]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Reform, to whom was referred the bill (H.R. 2043) to amend title 5, United States Code, to require the Director of the Office of Personnel Management to establish and maintain a public directory of the individuals occupying Government policy and supporting positions, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Periodically Listing Updates to Management Act” or the “PLUM Act”.

SEC. 2. ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERNMENT POLICY AND SUPPORTING POSITIONS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“§ 3330f. Government policy and supporting position data

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means—

“(A) any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;

“(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

“(C) the Executive Office of the President and any component within such Office (including any successor component), including—

“(i) the Council of Economic Advisors;

“(ii) the Council on Environmental Quality;

“(iii) the National Security Council;

“(iv) the Office of the Vice President;

“(v) the Office of Policy Development;

“(vi) the Office of Administration;

“(vii) the Office of Management and Budget;

“(viii) the Office of the United States Trade Representative;

“(ix) the Office of Science and Technology Policy;

“(x) the Office of National Drug Control Policy; and

“(xi) the White House Office, including the White House Office of Presidential Personnel.

“(2) COVERED WEBSITE.—The term ‘covered website’ means the website established and maintained by the Director under subsection (b).

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Office of Personnel Management.

“(4) APPOINTEE.—The term ‘appointee’—

“(A) means an individual serving in a policy and supporting position; and

“(B) includes an individual serving in such a position temporarily in an acting capacity in accordance with—

“(i) sections 3345 through 3349d (commonly referred to as the ‘Federal Vacancies Reform Act of 1998’);

“(ii) any other statutory provision described in section 3347(a)(1); or

“(iii) a Presidential appointment described in section 3347(a)(2).

“(5) POLICY AND SUPPORTING POSITION.—The term ‘policy and supporting position’ means—

“(A) a position that requires appointment by the President, by and with the advice and consent of the Senate;

“(B) a position that requires or permits appointment by the President or Vice President, without the advice and consent of the Senate;

“(C) a position occupied by a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a);

“(D) a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulation;

“(E) a position in the Senior Foreign Service;

“(F) any career position at an agency that, but for this section and section 2(b)(3) of the PLUM Act, would be included in the publication entitled ‘United States Government Policy and Supporting Positions’, commonly referred to as the ‘Plum Book’; and

“(G) any other position classified at or above level GS–14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

“(b) ESTABLISHMENT OF WEBSITE.—Not later than 1 year after the date of enactment of the PLUM Act, the Director shall establish, and thereafter maintain, a public website containing the following information for the President then in office and for each subsequent President:

“(1) Each policy and supporting position in the Federal Government, including any such position that is vacant.

“(2) The name of each individual who—

“(A) is serving in a position described in paragraph (1); or

“(B) previously served in a position described in such paragraph under the applicable President.

“(3) Information on any Government-wide or agency-wide limitation on the total number of positions in the Senior Executive Service under section 3133 or 3132, and for the total number of positions in Schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, and total number of individuals occupying such positions.

“(c) CONTENTS.—With respect to any policy and supporting position listed on the covered website, the Director shall include—

“(1) the agency, and agency component, (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

“(2) the name of the position;

“(3) the name of the individual occupying such position (if any);

“(4) the geographic location of the position, including the city, State or province, and country;

“(5) the pay system under which the position is paid;

“(6) the level, grade, or rate of pay;

“(7) the term or duration of the appointment (if any);

“(8) the expiration date, in the case of a time-limited appointment;

“(9) a unique identifier for each appointee to enable tracking such appointee across positions;

“(10) whether the position is vacant, and in the case of a vacancy, for positions for which appointment is required to be made by the President by and with the advice and consent of the Senate, the name of the acting official, and, for other positions, the name of the official performing the duties of the vacant position.

“(d) CURRENT DATA.—For each agency, the Director shall indicate the date that the agency last updated the data.

“(e) FORMAT.—The Director shall make the data on the covered website available to the public at no cost over the internet in a searchable, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

“(f) AUTHORITY OF DIRECTOR.—

“(1) INFORMATION REQUIRED.—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded pursuant to paragraph (4).

“(2) REQUIREMENTS FOR AGENCIES.—Not later than 1 year after the date of enactment of the PLUM Act, the Director shall issue instructions to agencies with specific requirements for the provision or uploading of information required under paragraph (1), including—

“(A) specific data standards that an agency shall follow to ensure that the information is complete, accurate, and reliable;

“(B) data quality assurance methods; and

“(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

“(3) PUBLIC ACCOUNTABILITY.—The Director shall identify on the covered website any agency that has failed to provide—

“(A) the information required by the Director;

“(B) complete, accurate, and reliable information; or

“(C) the information during the timeframe specified by the Director.

“(4) MONTHLY UPDATES.—

“(A) Not later than 90 days after the date the covered website is established, and not less than once during each 30 day period thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

- “(i) the policy and supporting positions in the agency;
- “(ii) the appointees occupying such positions in the agency; and
- “(iii) the former appointees who served in the agency under the President then in office.

“(B) Information provided under subparagraph (A) shall supplement, not supplant, previously provided data under such subparagraph.

“(5) OPM HELP DESK.—The Director shall establish a central help desk, to be operated by not more than one full-time employee, to assist any agency with implementing this section.

“(6) COORDINATION.—The Director may designate one or more Federal agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the Federal agency so designated.

“(7) DATA STANDARDS AND TIMING.—The Director shall make available on the covered website information regarding on data collection standards, quality assurance methods, and time frames for reporting data to the Director.

“(8) REGULATIONS.—The Director may prescribe regulations necessary for the administration of this section.

“(g) RESPONSIBILITY OF AGENCIES.—

“(1) PROVISION OF INFORMATION.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this Act, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

“(2) ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.—With respect to any submission of information described in paragraph (1), the head of an agency shall include an explanation of how the agency ensured the information is complete, accurate, and reliable, and a certification that such information is complete, accurate, and reliable.

“(h) INFORMATION VERIFICATION.—

“(1) IN GENERAL.—Not less frequently than semiannually, the Director, in coordination with the White House Office of Presidential Personnel, shall confirm that the information on the covered website is complete, accurate, reliable, and up-to-date. On the date of any such confirmation, the Director shall publish on the covered website a certification that such confirmation has been made.

“(2) AUTHORITY OF DIRECTOR.—In carrying out paragraph (1), the Director may—

- “(A) request additional information from an agency; and
- “(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

“(3) PUBLIC COMMENT.—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

“(i) DATA ARCHIVING.—

“(1) IN GENERAL.—As soon as practicable after a transitional inauguration day (as defined in section 3349a), the Director, in consultation with the Archivist of the United States, shall archive the data that was compiled on the covered website for the preceding presidential administration.

“(2) PUBLIC AVAILABILITY.—The Director shall make the data described in paragraph (1) publicly available over the internet—

- “(A) on, or through a link on, the covered website;
- “(B) at no cost; and
- “(C) in a searchable, sortable, downloadable, and machine-readable format.

“(j) REPORTS.—

“(1) IN GENERAL.—Not less frequently than one year after the covered website is established and not less than annually thereafter, the Director, in coordination with the White House Office of Presidential Personnel, shall publish a report on the covered website that contains summary level information on the demographics of any appointee. Such report shall provide such information in a structured data format that is searchable, sortable, and downloadable, makes use of common identifiers wherever possible, and contains current and historical data regarding such information.

“(2) CONTENTS.—

“(A) IN GENERAL.—Each report published under paragraph (1) shall include self-identified data on race, ethnicity, tribal affiliation, gender, disability, sexual orientation, veteran status, and whether the appointee is over the age of 40 with respect to each type of appointee. Such a report shall allow for users of the covered website to view the type of appointee

by agency or component, along with these self-identified data, alone and in combination, to the greatest level detail possible without allowing the identification of individual appointees.

“(B) OPTION TO NOT SPECIFY.—When collecting each category of data described in subparagraph (A), each appointee shall be allowed an option to not specify with respect to any such category.

“(C) CONSULTATION.—The Director shall consult with the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding reports published under this subsection and the information in such reports to determine whether the intent of this section is being fulfilled and if additional information or other changes are needed for such reports.

“(3) EXCLUSION OF CAREER POSITIONS.—For purposes of applying the term ‘appointee’ in this subsection, such term does not include any individual appointed to a position described in subsection (a)(5)(F).”.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“3330f. Government policy and supporting position data.”.

(b) OTHER MATTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$7,000,000, to remain available until expended, for—

(A) developing the website under section 3330f(b) of title 5, United States Code, as added by subsection (a)(1); and

(B) updating any data system operated by, or under the authority of, the Office of Personnel Management that will be used to carry out such section.

(2) GAO REVIEW AND REPORT.—Not later than 1 year after the date such website is established, the Comptroller General shall conduct a review, and issue a briefing or report, on the implementation of this Act and the amendments made by this Act. The review shall include—

(A) the quality of data required to be collected and whether such data is complete, accurate, timely, and reliable;

(B) any challenges experienced by agencies in implementing this Act and the amendments made by this Act; and

(C) any suggestions or modifications to enhance compliance with this Act and the amendments made by this Act, including best practices for agencies to follow.

(3) SUNSET OF PLUM BOOK.—Beginning on January 1, 2024, such website shall serve as the public directory for policy and supporting positions in the Government, and the publication entitled “United States Government Policy and Supporting Positions”, commonly referred to as the “Plum Book”, shall no longer be issued or published.

SUMMARY AND PURPOSE OF LEGISLATION

The Periodically Listing Updates to Management Act (PLUM Act) would modernize the practice of publishing the United States Government Policy and Supporting Positions, or “Plum Book,” that is published every four years following presidential elections. The bill would improve transparency by requiring the Office of Personnel Management (OPM) to establish and maintain a current, publicly available directory of senior government leaders online. The PLUM Act would also require OPM to coordinate with the White House Office of Presidential Personnel to make a summary of demographic information on political appointees publicly available. The bill would save taxpayers money by reducing unnecessary printing costs.

BACKGROUND AND NEED FOR LEGISLATION

Currently, a comprehensive list of positions appointed by the president is made available only once every four years in a publication referred to as the “Plum Book.” The Plum Book lists over 7,000 federal civil service leadership and support positions in the

federal government.¹ The Plum Book was first published in 1952 when the Eisenhower Administration came into office.² The Plum Book's purpose at that time was to identify positions in the executive branch that the new administration could consider filling through political appointments. Since 1952, the Plum Book has been printed every four years and has been available online since 1996.³ It is referred to as the Plum Book because the cover of the book was plum to reflect that it contained the "plum" political appointee jobs.⁴

The Plum Book only provides a snapshot in time and does not reflect changes that occur between publications. In addition, there is no process for correcting errors once the Plum Book is published. For example, the 2020 Plum Book did not include any information on civil service leadership and support positions in the Department of Agriculture Office of the Inspector General, the John F. Kennedy Center, the Office of the Director for National Intelligence, or the Privacy and Civil Liberties Oversight Board.⁵

The PLUM Act would modernize the Plum Book and provide timely and transparent information about who is serving in senior leadership positions. Specifically, it would require OPM to develop and maintain a publicly accessible website with data on senior leaders in government that meets modern data standards, require all federal agencies to share data on senior officials with OPM, and require OPM to coordinate with the White House every six months to confirm that information is complete, accurate, reliable, and up to date.

The PLUM Act would require OPM to report information on senior leaders such as name, title, grade, salary, and duty station. This information is already made available in response to requests under the Freedom of Information Act (FOIA). According to Department of Justice guidance to agencies on FOIA:

Civilian federal employees who are not involved in law enforcement or sensitive occupations generally have no expectation of privacy regarding their names, titles, grades, salaries, and duty stations as employees or regarding the parts of their successful employment applications that show their qualifications for their positions.⁶

The bill would also require OPM—in coordination with the White House Office of Presidential Personnel—to report summary-level information on the demographics of political appointees on an annual basis.

In a November 2019 report, the Administrative Conference of the United States wrote:

¹ Government Publishing Office, *United States Government Policy and Supporting Positions* (Dec. 2020) (online at www.govinfo.gov/content/pkg/GPO-PLUMBOOK-2020/pdf/GPO-PLUMBOOK-2020.pdf) (also known as the "Plum Book").

² Government Publishing Office, *Government Book Talk: A Plum Book of Political Positions* (online at <https://govbooktalk.gpo.gov/2016/12/05/a-plum-book-of-political-positions/>) (accessed Aug. 20, 2021).

³ Government Publishing Office, *United States Government Policy and Supporting Positions* (Dec. 2020) (online at www.govinfo.gov/content/pkg/GPO-PLUMBOOK-2020/pdf/GPO-PLUMBOOK-2020.pdf).

⁴ Government Publishing Office, *Government Book Talk: A Plum Book of Political Positions* (online at <https://govbooktalk.gpo.gov/2016/12/05/a-plum-book-of-political-positions/>) (accessed Aug. 20, 2021).

⁵ *Id.*

⁶ Department of Justice, *Department of Justice Guide to the Freedom of Information Act: Exemption 6* (July 23, 2014) (online at www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption6.pdf).

There is significant public interest in obtaining information about the occupants of high-level positions in federal agencies in the executive branch. Listing and publishing this information about the occupants of high-level positions in federal agencies is critical for transparency and effective monitoring and participation in the work of government.⁷

In a May 2019 report, the Government Accountability Office (GAO) found that information on political appointees was not comprehensive, timely, or complete, and recommended that Congress “consider legislation requiring comprehensive and timely information on political appointees serving in the executive branch to be collected and made publicly accessible.”⁸ The PLUM Act would implement this recommendation.

Modernizing the Plum Book would enhance visibility into who is serving in senior roles in the executive branch, identify offices with vacancies, and increase awareness of potential job opportunities to encourage a more diverse pool of candidates. The bill would also reduce unnecessary printing costs by eliminating the printing of the current list of those positions.

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short title

The short title is the “Periodically Listing Updates to Management Act or PLUM Act.”

Section. 2. Establishment of public website on government policy and supporting positions

This section creates a new section in chapter 33 of title 5, United States Code, that establishes a public website to include the government policy and supporting positions previously reported in the Plum Book.

Subsection (a) defines which agencies and positions are subject to reporting under the PLUM Act and details the positions currently reported in the Plum Book.

Subsection (b) requires the establishment of a website not later than one year after the PLUM Act is enacted and requires reporting on information regarding individuals who hold policy and supporting positions in the federal government and the type of information about these individuals required to be included.

Subsection (c) details the information required to be included by the Director of OPM on the website.

Subsection (d) requires the Director of OPM to indicate the date that the agency last updated data on the new website.

Subsection (e) requires the website to be provided at no cost to the public in a searchable, sortable, readable format as required for an open government data asset defined in the Open Government Data Act, codified in section 3502 of title 44, United States Code.

Subsection (f) requires agencies to provide the required information to the Director of OPM and requires the Director of OPM to

⁷ Administrative Conference of the United States, *Report to the Administrative Conference of the United States: Listing Agency Officials* (Nov. 13, 2019) (online at www.acus.gov/sites/default/files/documents/final-report-listing-agency-officials-nov132019.pdf).

⁸ Government Accountability Office, *Federal Ethics Programs: Government-wide Political Appointee Data and Some Ethics Oversight Procedures at Interior and SBA Could Be Improved* (Mar. 14, 2021) (GAO-19-249) (online at www.gao.gov/assets/gao-19-249.pdf).

provide instructions to agencies within one year after the bill is enacted with requirements for the provision or uploading required information. The Director of OPM is required to publicly identify any agency that has failed to provide required information. The subsection requires the information to be updated every month and not later than 90 days after the new website is established. The subsection requires the Director of OPM to establish a central help desk to assist agencies with implementing the requirements. The subsection allows the Director to coordinate with other federal agencies to develop, establish, operate, or support the new website. The subsection requires the Director to publish on the website information regarding data collection standards, quality assurance methods, and time frames for reporting data to the Director. Finally, this subsection gives the Director the authority to prescribe regulations as necessary to administer this section.

Subsections (f) and (g) require each agency to comply with the instructions issued by the Director of OPM to fulfill the requirements of the bill and provide OPM with a certification that the data is complete, accurate, and reliable. These subsections require the Director of OPM to coordinate with the White House Office of Presidential Personnel to certify that the data is complete, accurate, and reliable following agency certification. Subsection (g) allows the Director to request additional information from agencies and use any additional information provided by the White House Office of Presidential Personnel for the purposes of verification. The subsection also requires the Director to establish a process to obtain feedback from members of the public on the accuracy of the information on the new website.

Subsection (i) requires the Director of OPM, in consultation with the Archivist of the United States, to archive data included on the website.

Subsection (j) requires the Director of OPM, in coordination with the White House Office of Presidential Personnel, to publish a report no later than one year after the website is established and annually thereafter that contains summary-level information on the demographics of any appointee. Each report is required to include data self-identified by appointees on their race, ethnicity, tribal affiliation, gender, disability, sexual orientation, veteran status, and whether the appointee is over the age of 40, with each appointee provided the option not to specify with respect to any such category. The report is required to allow users of the new website to view the type of appointee by agency or component, along with self-identified data, alone and in combination, to the greatest level of detail possible without allowing the identification of individual appointees. Finally, the Director is required to consult with the House Committee on Oversight and Reform and the Senate Committee on Homeland Security and Governmental Affairs to determine whether the intent of this subsection is being fulfilled.

The bill also authorizes appropriations of \$7 million for the purposes of developing the new website and updating any data system operated by or under the authority of OPM to administer this section and requires GAO to conduct a review not later than one year after the website is established. Finally, the bill requires the website mandated by the bill to serve as the public directory for

policy and supporting positions and requires that the issuance and publication of the Plum Book be halted by January 1, 2024.

LEGISLATIVE HISTORY

PERIODICALLY LISTING UPDATES TO MANAGEMENT ACT

During the 117th Congress, on March 18, 2021, Representatives Carolyn B. Maloney (D–NY), Chairwoman of the House Committee on Oversight and Reform; Gerald E. Connolly (D–VA), Chairman of the Subcommittee on Government Operations; and John P. Sarbanes (D–MD) introduced H.R. 2043, the Periodically Listing Updates to Management Act. H.R. 2043 was referred to the Committee on Oversight and Reform.

On May 3, 2021, the Committee held a hearing to consider proposals in H.R. 2043. The Committee heard testimony from James-Christian Blockwood, Executive Vice President, Partnership for Public Service; Liz Hempowicz, Director of Public Policy, Project on Government Oversight; Rudy Mehrbani, Senior Advisor, Democracy Fund; and Zack Smith, Legal Fellow, Heritage Foundation.

On June 25, 2021, the Committee considered H.R. 2043 at a business meeting with a quorum present. The Committee ordered the bill reported favorably, as amended, by a voice vote.

RELATED PROPOSALS FOR REFORMS

S. 857, the Periodically Listing Updates to Management Act

On March 18, 2021, Senator Thomas R. Carper (D–DE) and Senator Jeff Merkley (D–OR) introduced S. 857, the Periodically Listing Updates to Management Act. S. 857 was referred to the Senate Committee on Homeland Security and Governmental Affairs.

H.R. 7107, the Periodically Listing Updates to Management Act of 2020

During the 116th Congress, on June 4, 2020, Representatives Carolyn B. Maloney (D–NY), Chairwoman of the House Committee on Oversight and Reform; Gerald E. Connolly (D–VA), Chairman of the Subcommittee on Government Operations; and John P. Sarbanes (D–MD) introduced H.R. 7107, the Periodically Listing Updates to Management Act of 2020. H.R. 7107 was referred to the Committee on Oversight and Reform.

On September 16, 2020, the Committee considered H.R. 7107 at a business meeting with a quorum present. The Committee ordered the bill reported favorably, as amended, by a voice vote.

Representative Jody Hice (R–GA) offered an amendment that would have prevented the publication of biographical, personally identifiable (excluding first and last name), forensic, or contact information for each position. The amendment was not adopted.

Representative Glenn Grothman (D–WI) offered an amendment that would have exempted from publication on the covered website any policy and supporting position determined by the Director of OPM to be sensitive to the national security of the United States. The amendment was not adopted.

S. 3896, the Periodically Listing Updates to Management Act of 2020

During the 116th Congress, on June 4, 2020, Senator Thomas R. Carper (D-DE) introduced S. 3896, the Periodically Listing Updates to Management Act of 2020. S. 3896 was referred to the Senate Committee on Homeland Security and Governmental Affairs.

On July 22, 2020, the Committee considered S. 3896 at a business meeting. During the business meeting, Senator James Lankford and Chairman Ron Johnson offered an amendment clarifying that the policy and supporting positions included in the published list required by S. 3896 are the same as currently included in the Plum Book. The amendment also changed the update frequency required from monthly to biennially.

Chairman Johnson also offered an amendment striking the bill's \$10 million authorization of appropriations and replaced it with an authorization for only such sums as may be necessary to build the website. The amendment also added a sunset provision eliminating the printing of hard copies of the Plum Book beginning in 2024 to save money on the cost of unnecessary printing.

Both amendments and the legislation as modified by the amendments were passed by voice vote en bloc with Senators Ron Johnson, Rob Portman, Rand Paul, James Lankford, Mitt Romney, Tim Scott, Mike Enzi, Josh Hawley, Gary Peters, Tom Carper, Maggie Hassan, Kamala Harris, and Jacky Rosen present.

COMMITTEE CONSIDERATION

On June 25, 2021, the House Committee on Oversight and Reform considered H.R. 2043 at a business meeting. Chairwoman Maloney offered an amendment in the nature of a substitute (ANS).

The ANS was adopted by a voice vote, and the Committee ordered the bill reported favorably, as amended, by a voice vote.

ROLL CALL VOTES

No roll call votes occurred during the Committee's consideration of H.R. 2043.

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative Carolyn B. Maloney (D-NY), Chairwoman of the Committee, offered an amendment in the nature of a substitute that modified the bill to make technical changes to multiple subsections of the bill, including the addition of language from the Political Appointments Inclusion and Diversity Act, a bill introduced by Representative Alexandria Ocasio-Cortez on June 28, 2021, that requires OPM to coordinate with the White House Office of Presidential Personnel to make a summary of demographic information on political appointees publicly available. The Committee adopted the Maloney amendment by a voice vote.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with section 103(i) of H. Res. 6, the Committee held a hearing to consider the proposals set forth in the Periodi-

cally Listing Updates to Management Act on May 3, 2021, along with other legislative proposals to improve government accountability and transparency.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee finds that modernizing the Plum Book will enhance visibility into who is serving in the executive branch, identify offices with vacancies, increase awareness of potential job opportunities to encourage a more diverse pool of candidates to consider federal service, and reduce unnecessary printing costs by eliminating the printing of the current list of those positions, such that the Committee recommends the adoption of this bill (H.R. 2043) to require OPM to establish and maintain a current, publicly available directory of senior government leaders online.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to improve transparency by requiring OPM to establish and maintain a current, publicly available directory of senior government leaders online.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

This bill requires OPM to establish and maintain a current, publicly available directory of senior government leaders online. The bill does not relate to terms and conditions of employment or access to public services or accommodations.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII, no provision of this bill establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from GAO to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

The legislation does not establish or authorize the establishment of an advisory committee within the definition of section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATES REFORM ACT STATEMENT

Pursuant to section 423 of the Congressional Budget Act of 1974, the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2)(B) of rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 2021.

Hon. CAROLYN B. MALONEY,
Chairwoman, Committee on Oversight and Reform,
House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2043, the PLUM Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 2043, PLUM Act			
As ordered reported by the House Committee on Oversight and Reform on June 29, 2021			
By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	8	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 2043 would require the Office of Personnel Management (OPM) to maintain a website for *United States Government Policy and Supporting Positions*, a directory of certain government positions and government policies often referred to as the Plum Book. Federal agencies would be required to provide that information for their own employees to OPM monthly. The bill would authorize the appropriation of \$7 million for OPM and federal agencies to carry out those activities. The volume is now published every four years, alternately by the House Committee on Oversight and Reform and the Senate Committee on Homeland Security and Governmental Affairs. The Government Publishing Office currently maintains the online version of the Plum Book. The bill also would discontinue the print version of the Plum Book in 2024. Finally, H.R. 2043 would direct OPM to annually report on the demographic information of position holders and would direct the Government Accountability Office to report on the implementation of the bill.

Based on historical spending patterns, CBO estimates that developing and updating the website required under H.R. 2043 would cost \$7 million over the 2021–2026 period, assuming appropriation of the authorized amount. In addition, and based on the cost of similar activities, CBO estimates that the required reports would cost about \$1 million over the 2021–2026 period; that spending would be subject to the availability of appropriated funds. We expect that discontinuing the print version of the Plum Book would reduce costs by an insignificant amount. In total, CBO estimates that implementing the bill would cost \$8 million over that period.

Enacting the bill could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

* * * * *

PART III—EMPLOYEES

* * * * *

SUBPART B—EMPLOYMENT AND RETENTION

* * * * *

CHAPTER 33—EXAMINATION, SELECTION, AND PLACEMENT

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

Sec.

3301. Civil service; generally.

* * * * *

3330f. *Government policy and supporting position data.*

* * * * *

SUBCHAPTER I—EXAMINATION, CERTIFICATION, AND APPOINTMENT

* * * * *

§ 3330f. *Government policy and supporting position data*(a) *DEFINITIONS.—In this section:*(1) *AGENCY.—The term “agency” means—*(A) *any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;*(B) *the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and*(C) *the Executive Office of the President and any component within such Office (including any successor component), including—*(i) *the Council of Economic Advisors;*(ii) *the Council on Environmental Quality;*(iii) *the National Security Council;*(iv) *the Office of the Vice President;*(v) *the Office of Policy Development;*(vi) *the Office of Administration;*(vii) *the Office of Management and Budget;*(viii) *the Office of the United States Trade Representative;*(ix) *the Office of Science and Technology Policy;*

- (x) the Office of National Drug Control Policy; and
- (xi) the White House Office, including the White House Office of Presidential Personnel.

(2) *COVERED WEBSITE.*—The term “covered website” means the website established and maintained by the Director under subsection (b).

(3) *DIRECTOR.*—The term “Director” means the Director of the Office of Personnel Management.

(4) *APPOINTEE.*—The term “appointee”—

(A) means an individual serving in a policy and supporting position; and

(B) includes an individual serving in such a position temporarily in an acting capacity in accordance with—

(i) sections 3345 through 3349d (commonly referred to as the “Federal Vacancies Reform Act of 1998”);

(ii) any other statutory provision described in section 3347(a)(1); or

(iii) a Presidential appointment described in section 3347(a)(2).

(5) *POLICY AND SUPPORTING POSITION.*—The term “policy and supporting position” means—

(A) a position that requires appointment by the President, by and with the advice and consent of the Senate;

(B) a position that requires or permits appointment by the President or Vice President, without the advice and consent of the Senate;

(C) a position occupied by a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a);

(D) a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulation;

(E) a position in the Senior Foreign Service;

(F) any career position at an agency that, but for this section and section 2(b)(3) of the PLUM Act, would be included in the publication entitled “United States Government Policy and Supporting Positions”, commonly referred to as the “Plum Book”; and

(G) any other position classified at or above level GS-14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

(b) *ESTABLISHMENT OF WEBSITE.*—Not later than 1 year after the date of enactment of the PLUM Act, the Director shall establish, and thereafter maintain, a public website containing the following information for the President then in office and for each subsequent President:

(1) Each policy and supporting position in the Federal Government, including any such position that is vacant.

(2) The name of each individual who—

(A) is serving in a position described in paragraph (1); or

(B) previously served in a position described in such paragraph under the applicable President.

(3) Information on any Government-wide or agency-wide limitation on the total number of positions in the Senior Executive Service under section 3133 or 3132, and for the total number of positions in Schedule C of subpart C of part 213 of title 5, Code of Federal Regulations, and total number of individuals occupying such positions.

(c) *CONTENTS.*—With respect to any policy and supporting position listed on the covered website, the Director shall include—

(1) the agency, and agency component, (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

(2) the name of the position;

(3) the name of the individual occupying such position (if any);

(4) the geographic location of the position, including the city, State or province, and country;

(5) the pay system under which the position is paid;

(6) the level, grade, or rate of pay;

(7) the term or duration of the appointment (if any);

(8) the expiration date, in the case of a time-limited appointment;

(9) a unique identifier for each appointee to enable tracking such appointee across positions;

(10) whether the position is vacant, and in the case of a vacancy, for positions for which appointment is required to be made by the President by and with the advice and consent of the Senate, the name of the acting official, and, for other positions, the name of the official performing the duties of the vacant position.

(d) *CURRENT DATA.*—For each agency, the Director shall indicate the date that the agency last updated the data.

(e) *FORMAT.*—The Director shall make the data on the covered website available to the public at no cost over the internet in a searchable, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

(f) *AUTHORITY OF DIRECTOR.*—

(1) *INFORMATION REQUIRED.*—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded pursuant to paragraph (4).

(2) *REQUIREMENTS FOR AGENCIES.*—Not later than 1 year after the date of enactment of the PLUM Act, the Director shall issue instructions to agencies with specific requirements for the provision or uploading of information required under paragraph (1), including—

(A) specific data standards that an agency shall follow to ensure that the information is complete, accurate, and reliable;

(B) data quality assurance methods; and

(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

(3) *PUBLIC ACCOUNTABILITY.*—The Director shall identify on the covered website any agency that has failed to provide—

- (A) the information required by the Director;
- (B) complete, accurate, and reliable information; or
- (C) the information during the timeframe specified by the Director.

(4) MONTHLY UPDATES.—

(A) Not later than 90 days after the date the covered website is established, and not less than once during each 30 day period thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

- (i) the policy and supporting positions in the agency;
- (ii) the appointees occupying such positions in the agency; and
- (iii) the former appointees who served in the agency under the President then in office.

(B) Information provided under subparagraph (A) shall supplement, not supplant, previously provided data under such subparagraph.

(5) OPM HELP DESK.—The Director shall establish a central help desk, to be operated by not more than one full-time employee, to assist any agency with implementing this section.

(6) COORDINATION.—The Director may designate one or more Federal agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the Federal agency so designated.

(7) DATA STANDARDS AND TIMING.—The Director shall make available on the covered website information regarding on data collection standards, quality assurance methods, and time frames for reporting data to the Director.

(8) REGULATIONS.—The Director may prescribe regulations necessary for the administration of this section.

(g) RESPONSIBILITY OF AGENCIES.—

(1) PROVISION OF INFORMATION.—Each agency shall comply with the instructions and guidance issued by the Director to carry out this Act, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

(2) ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.—With respect to any submission of information described in paragraph (1), the head of an agency shall include an explanation of how the agency ensured the information is complete, accurate, and reliable, and a certification that such information is complete, accurate, and reliable.

(h) INFORMATION VERIFICATION.—

(1) IN GENERAL.—Not less frequently than semiannually, the Director, in coordination with the White House Office of Presidential Personnel, shall confirm that the information on the covered website is complete, accurate, reliable, and up-to-date. On the date of any such confirmation, the Director shall publish on the covered website a certification that such confirmation has been made.

(2) AUTHORITY OF DIRECTOR.—In carrying out paragraph (1), the Director may—

(A) request additional information from an agency; and
 (B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

(3) *PUBLIC COMMENT.*—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

(i) *DATA ARCHIVING.*—

(1) *IN GENERAL.*—As soon as practicable after a transitional inauguration day (as defined in section 3349a), the Director, in consultation with the Archivist of the United States, shall archive the data that was compiled on the covered website for the preceding presidential administration.

(2) *PUBLIC AVAILABILITY.*—The Director shall make the data described in paragraph (1) publicly available over the internet—

(A) on, or through a link on, the covered website;

(B) at no cost; and

(C) in a searchable, sortable, downloadable, and machine-readable format.

(j) *REPORTS.*—

(1) *IN GENERAL.*—Not less frequently than one year after the covered website is established and not less than annually thereafter, the Director, in coordination with the White House Office of Presidential Personnel, shall publish a report on the covered website that contains summary level information on the demographics of any appointee. Such report shall provide such information in a structured data format that is searchable, sortable, and downloadable, makes use of common identifiers wherever possible, and contains current and historical data regarding such information.

(2) *CONTENTS.*—

(A) *IN GENERAL.*—Each report published under paragraph (1) shall include self-identified data on race, ethnicity, tribal affiliation, gender, disability, sexual orientation, veteran status, and whether the appointee is over the age of 40 with respect to each type of appointee. Such a report shall allow for users of the covered website to view the type of appointee by agency or component, along with these self-identified data, alone and in combination, to the greatest level detail possible without allowing the identification of individual appointees.

(B) *OPTION TO NOT SPECIFY.*—When collecting each category of data described in subparagraph (A), each appointee shall be allowed an option to not specify with respect to any such category.

(C) *CONSULTATION.*—The Director shall consult with the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate regarding reports published under this subsection and the information in such reports to determine whether the intent of this section is being fulfilled and if additional information or other changes are needed for such reports.

(3) *EXCLUSION OF CAREER POSITIONS.*—For purposes of applying the term “appointee” in this subsection, such term does not include any individual appointed to a position described in subsection (a)(5)(F).

* * * * *

CORRESPONDENCE

March 16, 2021

The Honorable Carolyn Maloney
Chairwoman
House Oversight and Reform Cmte.
United States House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable James Comer
Ranking Member
House Oversight and Reform Cmte.
United States House of Representatives
2105 Rayburn House Office Building
Washington, DC 20515

Re: Support for Periodically Listing Updates to Management Act (The PLUM Act)

Dear Chairwoman Maloney, Ranking Member Comer, and Members of the Committee:

On behalf of the undersigned bipartisan group of civil society organizations, we write in strong support of the reintroduction of the Periodically Listing Updates to Management Act (PLUM Act), which would increase transparency and oversight of the most senior leaders of the Executive Branch.

The publication *United States Government Policy and Supporting Positions*, commonly called the *Plum Book*, is a congressional document published every four years that lists more than 9,000 political appointees.¹ It contains information on senior federal civil servants in the legislative and executive branches that may be subject to noncompetitive appointment (*e.g.*, agency heads and policy advisors). In other words, it contains positions that often have a close and confidential relationship with the agency head or other key officials — plum positions.

Appointments and vacancy information contained in the Plum Book rapidly go out of date as a consequence of the report's infrequent publication. The PLUM Act would modernize the Plum Book and publish online a current, continuously-updated directory of senior government leaders. It requires the Director of the U.S. Office of Personnel Management “to establish and maintain a public directory of the individuals occupying Government policy and supporting positions.”

The PLUM Act would resolve an important issue raised by the Government Accountability Office, which noted in a March 2019 report that “there is no single source of data on political appointees serving in the executive branch that is publicly available, comprehensive, and

¹ See “United States Government Policy and Supporting Positions” (2016)
<https://bookstore.gpo.gov/products/united-states-government-policy-and-supporting-positions-december-1-2016-plum-book-0>

timely.”² It would address GAO’s conclusion that such a source of “information would facilitate congressional oversight and hold leaders accountable.”

The continuously-updated repository of information about political appointees required under the PLUM Act would facilitate independent review and analysis related to political appointees. It would make it possible to understand which offices are filled and which offices have vacancies, how long those offices have been vacant, and how that information has changed over time. Publication may increase visibility for these job opportunities and encourage a wider pool of diverse candidates to pursue these positions.

We thank you for your efforts regarding the PLUM Act in the 116th Congress and support the reintroduction and passage of that legislation this Congress. We would welcome the opportunity to discuss this further. Please contact Daniel Schuman, Policy Director for Demand Progress at Daniel@DemandProgress.org or 240-237-3930.

Sincerely,

18by.Vote
Americans for Prosperity
Campaign Legal Center
Center for Common Ground
Clean Elections Texas
Citizens for Responsibility and Ethics in Washington (CREW)
Common Defense
Demand Progress
Fix Democracy First
Government Accountability Project
Government Information Watch
Greenpeace US
Harrington Investments, Inc.
Issue One
New Progressive Alliance
Open the Government
Project On Government Oversight (POGO)
Senior Executives Association
Society of Professional Journalists

² “Government-wide Political Appointee Data and Some Ethics Oversight Procedures at Interior and SBA Could Be Improved,” Government Accountability Office, Report 19-249 (March 2019), <https://www.gao.gov/assets/700/697593.pdf>.

Union of Concerned Scientists

Brian Baird, Former Member of Congress*

Daniel Verarly, aheadofideas.com*

Kel McClananahan, National Security Counselors*

Lorelei Kelly, Beeck Center for Social Impact + Innovation at Georgetown*

** Affiliations listed for identification purposes only.*



June 28, 2021

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Maloney,

We, the undersigned, are a coalition that strongly supports the reintroduced and updated draft of the Periodically Listing Updates to Management Act (PLUM Act), H.R. 2043, which will increase transparency and accountability of the Executive Branch of the federal government and the Political Appointments Inclusion and Diversity Act (PAID Act) which will require the Administration to provide information on the demographics of political appointees.

“[T]here is no single source of data on political appointees serving in the executive branch that is publicly available, comprehensive, and timely.”¹ Yet, 9,000 political appointees and senior civil servants hold positions that involve advocacy of Administration policies and programs, and have close relationships with agency heads and other key officials. We need greater transparency by creating an accurate, timely and comprehensive database of these positions to ensure our government is truly of, by and for the people. The PLUM Act will help make the needed update.

The current congressional document that contains data on political appointees, United States Government Policy and Supporting Positions, commonly referred to as the Plum Book, is only published every four years. The PLUM Act would modernize the Plum Book and publish online a current, continuously-updated directory of political appointees and senior career officials. This public and continuously-updated directory would make it possible for a wider and more diverse pool of individuals to become aware of vacancies and pursue these important positions. A diverse pool of leaders brings with them unique experiences and thoughts on critical issues that help enhance our government’s ability to serve the needs of its entire population.

¹ See “United States Government Policy and Supporting Positions” (2016)
<https://bookstore.gpo.gov/products/united-states-government-policy-and-supporting-positions-december-1-2016-plum-book-0>

More details at www.InclusiveAmerica.org/PLUM-Act



In order to achieve a truly representative democracy, we need up-to-date, not outdated, information regarding which segments of our population are at the policymaking table and which are not. The PLUM Act will provide up-to-date information that will not only increase transparency in the Executive Branch of our government, but also help our government remain more accountable and accessible to the people and communities it serves.

We thank you for your leadership on this important piece of legislation. We look forward to working with both the House and Senate to get the PLUM Act passed and implemented.

Sincerely,

Mark Hanis, Co-Founder, *Inclusive America*

Michael McAfee, President and CEO, *PolicyLink*

Jennifer Dane, CEO and Executive Director, *Modern Military Association of America*

Wa'el Alzayat, Chief Executive Officer, *EngageUSA*

Shalonda Spencer, Executive Director, *Women of Color Advancing Peace and Security*

Hector Sanchez Barba, Executive Director and CEO, *Mi Familia Vota*

Amy Hinojosa, President and CEO, *MANA, A National Latina Organization*

Arsalan Suleman, President and Board Chair, *America Indivisible*

Wendy Doyle, President and CEO, *United WE*

Varun Nikore, President, *AAPJ Victory Fund & AAPJ Victory Alliance*

Robert Alexander, Interim Executive Director, *Diversity in National Security Network*

Jazmin Kay, Lead Organizer, YouthInGov, Executive Director, *18by Vote*

Andrew Albertson, Executive Director, *Foreign Policy for America*

Rachel Peric, Executive Director, *Welcoming America*

Jennifer Laszlo Mizrahi, President and CEO, *RespectAbility*

Sanda Balaban, Co-founder and Director, *Next Generation Politics & YVote*

Amanda Renteria, CEO, *Code for America*

Sara Guillermo, CEO, *IGNITE*

Fanta Traore, CEO, *The Sadie Collective*

Sara Jameel Le Brusq, *New American Leaders*

Cynthia Richie Terrell, Executive Director, *RepresentWomen*

Jeff Hauser, Executive Director, *Revolving Door Project*

Danielle Brian, *Project On Government Oversight*

Erica Liepmann and Charlotte White, Co-Founders, *Ready to Launch*

David Flink, Founder and CEO, *Eye to Eye*

Vivek Katial, Executive Director, *Good Data Institute*

More details at www.InclusiveAmerica.org/PLUM-Act



Elizabeth Clay Roy, CEO, *Generation Citizen*
Bob Corsi, President, *Senior Executives Association*
Rachel Fleischer, Executive Director, *Young Invincibles*
Daniel Correa, Director, *Day One Project*
Sarah Kate Ellis, President and CEO, *GLAAD*



PARTNERSHIP FOR PUBLIC SERVICE

June 29, 2021

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

The Honorable James Comer
Ranking Member
Committee on Oversight and Reform
U.S. House of Representatives
2105 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Maloney and Ranking Member Comer:

The Partnership for Public Service strongly supports inclusion of H.R. 2043, the Periodically Listing Updates to Management Act (PLUM Act), on the agenda for the committee's business meeting today. This bill will bring increased transparency and accountability to the federal government by letting the American people know who is serving in a policy and management role as a political appointee or a senior career official.

The Partnership for Public Service, through our [Political Appointee Tracker](#), has worked to provide information on the status of over 700 key political positions requiring Senate confirmation. Our work has revealed the need for more complete and accurate real-time data about political appointments, consisting of over 4,000 presidential political appointees, of which over 1,200 require Senate confirmation.

While the traditional "Plum Book" issued every presidential election year is the most complete listing of political appointments, it is already outdated by the time that it is published. The current process for gathering the information in the Plum Book – a data call from the Office of Personnel Management every four years – provides only a snapshot in time and leads to many data errors, including missing terms, mislabeled appointment types, and incorrect or outdated titles and offices.

The inadequacies of this antiquated data call were on display again in 2020, with the Plum Book released to the public on-line on December 30 – months after presidential transition activities began – and again filled with errors and omissions. For example:

- The book lacks information on 10 offices and agencies such as the Office of the Director for National Intelligence and the Department of Agriculture Inspector General Office. This means that more than two dozen positions in these offices and agencies requiring Senate confirmation were not included in the book.
- Unlike prior editions, the 2020 Plum Book counted only filled, not vacant, positions in the Senior Executive Service totals. Compared to the 2016 Plum Book, this reduced the number of SES positions listed from 3,646 to 2,150.
- The appendix that provides a summary of the number of positions in each agency subject to noncompetitive appointment is missing at least seven agencies or offices that appear in

PARTNERSHIP FOR PUBLIC SERVICE

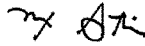
the Plum Book. For example, the summary of positions in the White House is missing, making the total positions in the Executive Office of the President appear to be smaller than in 2016.

- Because the current Plum Book is a snapshot of positions as of mid-summer 2020, it lacks information on any new positions created since that time. For example, it does not contain any information on the position of the National Cyber Director in the Executive Office of the President, which was created by a law signed on January 1, 2020.

The PLUM Act responds to a recommendation of the Government Accountability Office for Congress to consider requiring more comprehensive and timely information on political appointees. This legislation will ensure public access to information that is already available to those who can afford it through subscription to private vendors who research appointments. We also support your efforts to add language to the bill to provide summary level data based on the self-identified demographic information of individuals holding positions listed in the Plum Book – an important addition to the PLUM Act that will shed light on how well the government is doing in attracting and retaining a diverse workforce.

The Committee on Oversight and Reform has a strong record of bipartisan consensus on improving government transparency and modernizing the way government does business. We look forward to working with you and the other members of the committee to continue this legacy and bring the Plum Book into the 21st Century.

Sincerely,



Max Stier
President and CEO
Partnership for Public Service

MINORITY VIEWS

Committee Republicans oppose H.R. 2043. This legislation seeks to go beyond the original intent of the *Plum Book* by creating a continuously updated website listing thousands of political appointees and senior government officials, which may dissuade good people from serving in future Presidential Administrations and risk abuse by enabling political targeting.

I. THE PLUM BOOK IS INTENDED TO BE A RESOURCE FOR AN INCOMING PRESIDENT'S TRANSITION OPERATIONS

H.R. 2043 would replace the printed *Plum Book* with a continuously updated website, while also tracking an appointee as they move across the government. This legislation, if passed, would alter the purpose of the *Plum Book*—to serve an incoming President's transition.

The *Plum Book*, also known as the “United States Government Policy and Supporting Positions” publication, is a compilation of information, including the name, title, type of appointment, salary, and location of employment,¹ of all political appointees and high-level career officials in the federal government in positions that determine policy.²

The *Plum Book* has been published in hardcopy or as a downloadable book by the Government Publishing Office (GPO) after each presidential election since the Eisenhower Administration. The *Plum Book* is traditionally alternatively requested by the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform. After requested, the Office of Personnel Management (OPM) provides the information to GPO.³ The *Plum Book* identifies available presidentially appointed positions within the federal government. The GPO has made the *Plum Book* available in print, online, and as of 2012, in a more searchable and accessible mobile app.⁴ Given that the *Plum Book* is already accessible online in two separate locations, the Majority has failed to demonstrate why such reform is necessary, nor have they justified the use of the bill's authorized \$7,000,000 in appropriated taxpayer dollars to build this new online database. Further, a tool that is updated monthly is not a transitional resource between administrations, but rather be-

¹ GOV'T ACCOUNTABILITY OFF., GAO-19-249, FEDERAL ETHICS PROGRAMS: GOVERNMENT-WIDE POLITICAL APPOINTEE DATA AND SOME ETHICS OVERSIGHT PROCEDURES AT INTERIOR AND SBA COULD BE IMPROVED (The primary four types of political appointees include: presidential appointees that receive Senate confirmation, presidential appointees, noncareer Senior Executive Service, and Schedule C employees).

² GOV. PUB. OFF., UNITED STATES GOVERNMENT POLICY AND SUPPORTING POSITIONS (PLUM BOOK), (2020), <https://www.govinfo.gov/collection/plum-book>.

³ *Id.*

⁴ Press Release, U.S. Government Publishing Office, GPO Releases Plum Book (Dec. 5, 2016), <https://www.gpo.gov/who-we-are/news-media/news-and-press-releases/gpo-releases-plum-book>.

comes a database that can be readily exploited by political activists to track and target politically appointed leaders.

II. THIS LEGISLATION RISKS INCREASING THE POLITICAL TARGETING OF GOVERNMENT OFFICIALS

Committee Republicans are concerned that—despite the importance of legitimate government oversight and transparency—this reform will weaponize the *Plum Book*. The bill requires that OPM track an appointee as they move across the government and include information on the immediate predecessor in all positions, which will provide unprecedented access to the Administration’s ongoing staffing of senior political positions. This heightened tracking system is burdensome for federal agencies and may discourage well-intentioned experts and civil servant reformers from serving in the federal government. Committee Republicans expressed these same reservations during the last Congress when similar legislation was previously considered.⁵ Political appointees are already accountable to the duly elected President which they serve, and the President is accountable to the American people every four years and to Congress each day of his or her term.

III. TRANSPARENCY AND ACCOUNTABILITY ARE ESSENTIAL TO OUR CONSTITUTIONAL GOVERNMENT, BUT THIS BILL NEGLECTS THE NECESSARY SAFEGUARDS TO PROTECT FEDERAL EMPLOYEES

This bill does not provide an exemption for national-security sensitive positions, nor does it explicitly require OPM to safeguard sensitive personal information like forensic information, contact information and personally identifiable information. It further fails to provide a complete lens into senior executive career officials, whom have significant policy-making roles within the federal government but face minimal accountability to a duly elected President.

At the Committee’s June 29, 2021, markup, the Majority introduced substantial new language through an Amendment in the Nature of a Substitute, which largely represents a recently introduced bill, H.R. 4207, offered by Rep. Alexandria Ocasio-Cortez (D-NY). This new legislative addition to the PLUM Act requires the OPM Director, in conjunction with the White House Office of Presidential Personnel, to publish a report containing summary level information on any appointee’s demographics, including self-identified data on race, ethnicity, tribal affiliation, gender, disability, sexual orientation, veteran status, and whether the appointee is over the age of 40. The Majority failed to openly discuss this Amendment with Committee Republicans prior to the June 29, 2021, markup, and consequently, the Amendment has not been vetted. Not only is it inappropriate to collect such personal information, but it will also dissuade qualified candidates from entering public service due to the extremely sensitive personal information the bill now requires be collected on them by a federal employer.

Further, a bill with such a substantial impact to the entire future senior executive branch leadership of the entire federal gov-

⁵ H. Comm. on Oversight & Gov’t Reform, Business Meeting, (Nov. 16, 2020), *available at*, <https://oversight.house.gov/legislation/markups/the-committee-will-consider-the-following-1-hr-4774-internet-of-things>.

ernment deserves a dedicated Committee legislative hearing to fully understand the bill's potential benefits, risks, and technical feasibility.⁶ In fact, House Rule XIII requires a legislative hearing before this bill can be reported to the full House. We agree that public accountability is essential to maintaining our Constitutional government and Committee Republicans are committed to pursuing bipartisan Congressional oversight and legislative work to achieve that goal.

IV. CONCLUSION

Committee Republicans oppose H.R. 2043.

JAMES COMER,
Ranking Member,
Committee on Oversight and Reform.



⁶House Rule XIII.